November 17, 2022

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Attn: Wireless Communications Bureau

Waiver – Expedited Action Requested

Re: Request for Waiver of Section 97.111(a) of the Commission's Rules to Permit Demonstration of Amateur-Military Cross-Band Capabilities During Amateur-Military Commemoration of Pearl Harbor Day

Dear Ms. Dortch:

Pursuant to Section 1.3[1] and 1.925[2] of the Commission's rules, the American Radio Relay League ("ARRL") requests a waiver of the Part 97 rules to enable cross-band communications with a station or stations authorized to use Federal Government frequencies for the purpose of a short-term event commemorating the Pearl Harbor attack.

Specifically, in Section 97.111(a) the Commission authorizes communications among and between amateur stations and provides circumstances under which amateur stations may be used to communicate with non-amateur stations. Section 97.111(a)(5) permits amateur stations to be used to communicate with "a station in a service not regulated by the FCC, but authorized by the FCC to communicate with amateur stations." The provision further provides specific authority for amateur stations to communicate with "a participating United States military station", but only "during an Armed Forces Day Communications Test."[3]

Tests such as those proposed provide opportunities to train operators and test two-way communications capabilities between military communicators and radio stations in the Amateur

[1] 47 C.F.R. §1.3.
[2] 47 C.F.R. §1.925.
[3] 47 C.F.R. § 97.111(a).

Radio Service. Such tests challenge the operators to demonstrate individual technical skills in a controlled exercise scenario.

The frequencies and time periods selected will not impact any public or private communications, government or non-government. As already authorized on the federal government side, the military stations will transmit on 14.375, 18.170, and 21.460 MHz on December 6 and December 7, 2022. On the Amateur Radio side, operators will respond solely on frequencies being monitored and announced by the military operators, all of which will be frequencies authorized for use by Amateur Radio operators and on which all related FCC regulations will continue to apply, such as mode, maximum power, and license class.

This request for waiver is solely for waiver of Section 97.111(a) to the extent required to permit amateur operators, consistent with their existing amateur operator privileges, to respond within amateur frequencies to the out-of-band military stations open for cross-band traffic during this two-day period.

Principal contact for the military authorization is: James D. Hunt, III, Head, Navy and Marine Corps Spectrum Office Southwest and DON Frequency Assignment Committee (IRAC FAS) Alternate Member, james.d.hunt30.civ [at] us.navy.mil, 619-545-9978/9889. A copy of the authorization and related communications are attached.

Thank you for your consideration.

Respectfully Submitted,

David R. Siddall
Washington Counsel
The American Radio Relay League
DS LAW PLLC
1629 K St NW Ste 300
Washington, DC 20006-1631
David [at] DavidSiddallLaw-com
(202) 559-4690

From: james.d.hunt30.civ@us.navy.mil
To: w6hb@aol.com
Sent: 11/17/22 07:30:21 Pacific Standard Time
Subject: Temporary Frequency Assignments Supporting Cross Band Operations for Pearl Harbor Remembrance Day

Doug,

As discussed, our NMCSO Southwest office has been supporting cross band operations in the past when requested. It was our understanding that we could support all "bi-lateral" events, including Armed Forces Day and Pearl Harbor Remembrance Day among others. However, we were not cognizant of CFR 97.111, which, apparently authorizes this support only during the DoD sponsored Armed Forces Day communications test.

Having said that, before becoming aware of CFR 97.111, our office processed temporary frequency assignments to support your Pearl Harbor Remembrance Day event using "sub-assignments" from existing authorized Navy assignments registered in the NTIA Government Master File (GMF). We coordinated these temporary assignments with the Western Area Frequency Coordinator (WAFC) and our NMCSO Pacific (Hawaii) office before registering them in our DoD Frequency Resource Records System (FRRS). Copies of the assignments in NTIA GMF format are attached.

If an FCC waiver can be authorized for you to use the frequencies for your event, recommend FCC submit an expedited Special Temporary Authorization (STA) request to NTIA, who will coordinate the request with all Government agencies (including the Military Departments). I believe the STA process can be completed prior to the end of November, allowing you sufficient time for appropriate notification.

Standing by to assist in this matter in any way we can.

Best regards!

Jim Hunt

James D. Hunt III, GS-13
RMCS(SW)/CWO3(7191) RET
Head, Navy and Marine Corps Spectrum Office Southwest
DON Frequency Assignment Subcommittee (FAS) Alternate Member
DON US/MEXICO Coordination Committee (AdHoc 170) Primary Member
NIPR: james.d.hunt30.civ@us.navy.mil
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Ref: DoDI 5200.48

From: bryan.t.encinas.mil@us.navy.mil
To: w6hb@aol.com
Cc: nmsc-n31_nmcso_southwest_division@us.navy.mil
Sent: 08/29/22 12:38:13 Pacific Standard Time
Subject: RE: [URL Verdict: Neutral]Re: [Non-DoD Source] NEPM ACTIVATION REQUEST FOR PEARL HARBOR DAY 12/7/22

Doug,

You have been assigned the following frequencies for use for the 6th and 7th of December:

K14375

K18170

K21460

They are all approved on a Non Interference Basis.

V/R

ITC (IW/EXW/SW/AW) Bryan Encinas

LCPO Navy and Marine Corps Spectrum Office Southwest

(619) 767-7974

bryan.t.encinas.mil@us.navy.mil

bryan.encinas1@navy.smil.mil

From: Hunt, James D III CIV USN NAVMARSPECCN FTM MD (USA) <james.d.hunt30.civ@us.navy.mil>
Sent: Monday, August 29, 2022 7:32 AM
To: Doug Dowds <w6hb@aol.com>
Cc: Encinas, Bryan T CPO USN (USA) <bryan.t.encinas.mil@us.navy.mil>; Poe, Derrick Jason Jr. CIV (USA) <derrick.j.poe.civ@us.navy.mil>
Subject: RE: [URL Verdict: Neutral]Re: [Non-DoD Source] NEPM ACTIVATION REQUEST FOR PEARL HARBOR DAY 12/7/22

Good Morning, Doug!

Chief Encinas has coordinated 3 HF frequencies for you and will be assigning those in the next day or two. He will advise you when completed.

Best regards!

Jim Hunt

James D. Hunt III, GS-13

RMCS(SW)/CWO3(7191) RET

Head, Navy and Marine Corps Spectrum Office Southwest

DON Frequency Assignment Subcommittee (FAS) Alternate Member

DON US/MEXICO Coordination Committee (AdHoc 170) Primary Member

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